

## **EXECUTIVE ORDER S-09-06**

**WHEREAS**, it is the primary role of government to ensure the public safety; and

**WHEREAS**, the California Department of Corrections and Rehabilitation, upon release of an inmate to parole, is required by law to return the offender to his/her county of last legal residence, with certain exceptions, pursuant to Penal Code section 3003(a); and

**WHEREAS**, high risk sex offenders are among those being paroled to our local communities; and

**WHEREAS**, last year I signed legislation so that, as of January 1, 2006, pursuant to Penal Code section 3003, the placement or residence of certain high risk sex offenders is prohibited within one-half mile of any private or public K-12 school and the placement or residence of sex offenders is prohibited within one-quarter mile of any private or public K-8 school; and

**WHEREAS**, on May 15, 2006, I issued Executive Order S-8-06 directing the Secretary of the California Department of Corrections and Rehabilitation to create a High Risk Sex Offender Task Force to make recommendations for improving departmental policies related to the placement of high risk sex offenders in local communities; and

**WHEREAS**, identifying high risk sex offenders before they are released from a state correctional institution to parole is critical to ensure the public's safety is not compromised; and

**WHEREAS**, the current practice of releasing sex offenders who have completed their sentence to the custody of parole officers for determination of those that are considered high risk jeopardizes the public safety by not giving parole officers and local law enforcement officials adequate time to protect the public before placing high risk parolees in the community; and

**WHEREAS**, verifying that the high risk sex offender's intended residence complies with state law for high risk sex offenders before they are released to parole is critical to ensure the public's safety is not compromised.

**NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER**, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California do hereby issue this Order to become effective immediately:

1. Based on suggestions from the High Risk Sex Offender Task Force, and with the full support of the High Risk Sex Offender Task Force, the Secretary of the California Department of Corrections and Rehabilitation shall immediately implement procedures to take the following actions *before the release to parole* of any sex offender incarcerated in a state correctional institution: (a) conduct an assessment to determine whether the sex offender is deemed to pose a high risk to the public of committing violent sex crimes (high risk sex offender); and (b) require the verification of a residence that is compliant with state law.

2. On an immediate, interim basis, the Secretary of the California Department of Corrections and Rehabilitation, with the assistance of the Director of the Department of Mental Health, shall coordinate the placement of necessary personnel at the state correctional institutions to implement a pre-release assessment procedure to identify whether the sex offender is a high risk sex offender, with the goal of conducting a pre-release assessment for over 1400 sex offenders scheduled to be released from State correctional institutions in the next 90 days. It is expected that these assessments will be completed within 30 days of this Executive Order.
3. The Secretary of the California Department of Corrections and Rehabilitation shall immediately develop and implement an interim procedure to ensure that verification of a high risk sex offender's intended residence that is compliant with state law occurs *before the release to parole* of any identified high risk sex offender.
4. The Secretary of the California Department of Corrections and Rehabilitation, in consultation with the High Risk Sex Offender Task Force created by Executive Order S-08-06, shall develop and implement a permanent pre-release assessment procedure to identify high risk sex offenders and a pre-release residence verification procedure for identified high risk sex offenders, with the intent to provide at least 45 days notice to the affected District Attorney's Office, the Sheriff's Department of the appropriate county and the Police Department of the appropriate city of the upcoming release of a high risk sex offender.
5. Until the implementation of the pre-release assessment and pre-release residence verification procedures described in the above paragraph, the Secretary of the California Department of Corrections and Rehabilitation shall provide advance notice for each identified high risk sex offender with a verified, compliant residence to the affected District Attorney's Office, the Sheriff's Department of the appropriate county and the Police Department of the appropriate city.

**I FURTHER DIRECT** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16<sup>th</sup> day of June 2006.

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ARNOLD SCHWARZENEGGER  
Governor of California

**ATTEST:**

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BRUCE McPHERSON  
Secretary of State